

REMARKS

Applicant has carefully studied the Office Action of 21 July 2003 and offers the following remarks to accompany the above amendments. Applicant appreciates the telephonic interview of 26 August 2003 at which time the Jagadish et al. reference was discussed relative to the invention.

Before addressing the merits of the rejections based on the references, Applicant provides a brief summary of the present invention so that the remarks are placed in the proper context. The present invention is designed to facilitate toll sharing amongst call participants. Specifically, the present invention allows a call originator, with whom responsibility for paying the toll charges of the call normally resides, to request a toll sharing function. This request may be initiated through a command code or through the operator. Once the request is received, the present invention allows the call originator to define proposed toll sharing parameters. These proposed toll sharing parameters are presented to the call recipient as part of the call set up process. The call recipient may accept or decline the toll sharing parameters. If accepted, the parties are billed according to the toll sharing arrangement. Additionally, the present invention allows the toll sharing parameters to be part of an ongoing relationship, such that once the toll sharing parameters are agreed to, future calls between the parties are also subject to the toll sharing arrangements.

Claims 1-53 were rejected under 35 U.S.C. § 103 as being unpatentable over Jagadish et al. (hereinafter "Jagadish") in view of Hata et al. (hereinafter "Hata"). Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where in the combination of references each and every claim element is located. MPEP § 2143.03.

As discussed with the Examiner in the telephonic interview of 26 August 2003, Jagadish is directed to a system wherein the party not responsible for paying the toll initiates a toll sharing routine. Because calling parties and called parties can be responsible for tolls, Jagadish outlines two possible routines by which toll sharing can be achieved. In the first embodiment, Jagadish contemplates an originating party who is responsible for the toll. In this case, the terminating party can ask to be responsible for some portion of the toll (see abstract, lines 6-7). In the second embodiment, Jagadish contemplates a terminating party who is responsible for the toll (such as an 800 number). In this case, the originating party can ask to be responsible for some portion of

the toll (see abstract lines 4-6). Applicant has carefully studied the Jagadish reference and finds no teaching or suggestion that an originating party who is otherwise responsible for the toll may initiate a toll sharing request and that this request is sent to the party who is not responsible for paying any portion of the toll. Further, there is no teaching or suggestion that the toll sharing parameters may be pre-defined for a particular call.

As amended, independent claims 1, 18, and 35 recite that the request comes from a call initiator who is ordinarily responsible for paying a toll associated with a toll call. The call initiator provides the proposed toll sharing parameters and the call recipient is informed of the proposed toll sharing parameters. The call recipient then can accept the toll sharing provisions. As discussed above, Jagadish does not teach or suggest this combination of elements. Applicant has further studied Hata and finds no comparable teaching or suggestion. Since the references individually do not teach or suggest the combination of claim elements, the combination of references cannot teach or suggest the combination of claim elements. Applicant requests withdrawal of the § 103 rejection of claims 1, 18, and 35 at this time.

Claims 4, 6, 12, 14, and 17 are canceled in light of the amendments to claim 1. Claims 21, 23, 29, 31, and 34 are canceled in light of the amendments to claim 18. Claims 38, 40, 46, 48, and 51 are canceled in light of the amendments to claim 35. Thus, the rejections of claims 4, 6, 12, 14, 17, 21, 23, 29, 31, 34, 38, 40, 46, 48, and 51 are moot.

Applicant further cancels claims 52 and 53 to consolidate issues.

Claims 2, 3, 5, 7-11, 13, 15, 16, 19, 20, 22, 24-28, 30, 32, 33, 36, 37, 39, 41-45, 47, and 49 depend directly or indirectly from allowable claims 1, 18, or 35, and are allowable at least for the same reasons that claims 1, 18, and 35 are allowable. Applicant requests withdrawal of the § 103 rejection of claims 2, 3, 5, 7-11, 13, 15, 16, 19, 20, 22, 24-28, 30, 32, 33, 36, 37, 39, 41-45, 47, and 49 at this time.

Claims 5, 22, and 39 deserve special mention in that the claims recite that the toll sharing parameters are pre-defined. As discussed above, Jagadish does not show this claim element. Hata does not cure the deficiency of Jagadish, and thus, the combination of references does not show this claim element.

Applicant requests reconsideration of the rejection in light of the amendments and remarks set forth herein. The references of record, either singly or in combination do not teach

or suggest that the call originator who is responsible for the bill can initiate a call sharing function. Applicant requests claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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Date: September 9, 2003
Attorney Docket: 7000-051

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